

REMARKS

Applicant has reviewed and considered the Office Action mailed on April 2, 2007 (the Office Action), and the references cited therein.

Claims 1, 15, 29, and 32 are amended, claims 21 and 36 are canceled, and no claims are added; as a result, claims 1-11, 14-20, and 29-35 are now pending in this application.

35 USC § 112 Rejection of the Claims

Claims 29-31 were rejected under 35 USC § 112, first paragraph, for allegedly failing to comply with the written description requirement.

The Examiner takes the position that one or more of claims 29-31 contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention because the specification-as-filed does not expressly teach a computer readable storage medium having the recited instructions stored thereon. The Applicants respectfully disagree.

On page 7, lines 3-6 of the specification-as-filed, it states, for example, that “the controller 42 may be programmed to receive a signal” The specification then goes on to describe the various programmed acts that the controller 42 may do, which track the instructions recited in the claims. On page 6, lines 7-10 of the specification-as-filed, it states that, “The controller 42 is operative for controlling the overall operation of the wireless device 40. The controller functionality may be implemented within, for example, one or more digital processing devices within the device 40.” Also, at page 11, lines 6-8, it states, “For example, in at least one embodiment, two or more of the blocks in a [block] diagram are implemented in software within a single (or multiple) digital processing device(s).” (Emphasis added) The controller 42 is one of the blocks that may be so implemented. The controller 42 being “programmed” means that there has to be a computer readable medium present that includes the instructions for performing the various described acts. Also, the functions of the controller being “implemented in software” leads to the same conclusion. Therefore, it would be clear to a person of ordinary skill in the art

that the specification of the present application, as filed, discloses a computer readable medium having the recited instructions stored thereon.

Based on the foregoing, the Applicants respectfully request that the written description rejection of claims 29-31 be withdrawn.

If the Examiner maintains that present rejection under 35 USC § 112, first paragraph, it is respectfully requested that she set forth express findings of fact which support the alleged lack of written description. These findings should, among other things, “[e]stablish a *prima facie* case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed.” MPEP 2163.04(I).

35 USC § 103 Rejection of the Claims

Claims 1, 15, and 29 were rejected under 35 USC § 103(a) as being unpatentable over *Xydis* (U.S. Patent 6,307,471) in view of *Smith* (U.S. Publication 2003/0025603) and *Shintani* (U.S. Patent 6,137,480).

To expedite prosecution of the present application, claim 15 has been amended herein to include the subject matter of previous dependent claim 21. In the Office Action, the Examiner indicated that dependent claim 21 would be allowable if rewritten to include all of the limitations of its base claim and any intervening claims. Therefore, claim 15 should now be in form for allowance. Similar amendments have been made to claims 1 and 29 which should both be allowable for at least the same reasons as claim 15. Applicant reserves the right to reintroduce claims 1, 15, and 29, in their forms prior to the present amendment, in a future patent application.

Based on the foregoing, reconsideration and allowance of independent claims 1, 15, and 29 are respectfully requested.

Claims 2-6, claims 16-20, and claims 30-31 are dependent claims that depend, either directly or indirectly, from independent claims 1, 15, and 29, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability.

Claims 32-35 were rejected under 35 USC § 103(a) as being unpatentable over *Xydis* (U.S. Patent 6,307,471) in view of *Smith* (U.S. Publication 2003/0025603), *Shintani* (U.S. Patent 6,137,480) and *Deng et al.* (U.S. Publication 2003/0043078).

To expedite prosecution of the present application, claim 32 has been amended herein to include the subject matter of previous dependent claim 36. In the Office Action, the Examiner indicated that dependent claim 36 would be allowable if rewritten to include all of the limitation of its base claim and any intervening claims. Therefore, independent claim 32 should now be in form for allowance and allowance thereof is respectfully requested. Applicant reserves the right to reintroduce claim 32, in its form prior to the present amendment, in a future patent application.

Claims 33-35 are dependent claims that depend directly from independent claim 32. Therefore, these claims are allowable for at least the same reasons as claim 32.

Allowable Subject Matter

Claims 7-11 and 14 have been allowed.

Claims 21 and 36 were objected to as being dependent upon a rejected base claim, but were identified as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As described above, independent claims 15 and 32 have been amended to include the subject matter of previous dependent claims 21 and 36.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

Respectfully submitted,

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By their Representatives,

Customer Number: 45643
480-948-3745

Date: June 5, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5th day of June, 2007.

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